

REMARKS

Claims 31-70 are currently pending in this case. In the instant Advisory Action, the Examiner has indicated that claims 44-47, 49, 50 and 52-54 would be allowable if submitted in a separate, timely filed amendment canceling the 5 non-allowable claims. Applicants sincerely appreciate the Examiner's indication.

Claims 31-43, 48, 51, and 55-70 stand rejected.

Claims 32-36, 38-40, 55, 56, 58, 59, 62 and 63 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The use of the phrases 10 "therapeutically effective", "a patient in need of", "inhibiting one or more cyclin dependent kinases" and "associated with a kinase" was objected to. The objection is addressed in this amendment. Withdrawal of the §112, second paragraph rejection is, therefore, respectfully requested.

New claims 71-72 have been added similar to the pharmaceutical 15 composition claim 41 and are not new matter.

It is respectfully submitted that the above-stated amendments are being made strictly with a desire to advance the prosecution on the merits to advance this case into allowance and not as an admission of non-patentability of any of the cancelled scope/claims. Applicants are reserving the right to 20 prosecute the withdrawn scope of claims or cancelled claims by way of divisional applications, if they choose to do so.

Claims 31-43, 48, 51 and 55-70 were rejected under obviousness, provisional double patenting, over claims 1-19 and 21-47 of copending, co-owned, patent application, Serial No. 10/654,546. Applicants have amended 25 both cases by moving the objected-to compounds from the '546 application to the present application. It is believed that the conflicting scope is now removed. Withdrawal of the double patenting rejection is, therefore, respectfully requested.

There being no other rejections pending, Applicants believe that the 30 claims are in allowable condition and such an action is earnestly solicited.

If the Examiner has any questions, the Examiner is invited to contact the undersigned.

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Respectfully submitted,



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